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March 21, 1955

Dear Mr. Celler:

Reference is made to your letter dated February 16, 1955, requesting an expression of the Department's views with respect to H. R. 3882, "To require the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counter-espionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes." Reference is also made to the Department's preliminary acknowledgment of your letter dated February 18, 1955.

H. R. 3882, if it became law, would repeal Section 20 (a) of the Internal Security Act of 1950 and enact in its place legislation intended better to accomplish that section's purpose. The effect of Section 20 (a) of the Internal Security Act of 1950 was to include persons who have knowledge or training in foreign espionage or sabotage within the definition of persons who must register with the Attorney General, under the Foreign Agents Registration Act of 1938, as amended.

The only provision in H. R. 3882 which directly relates to this Department's responsibilities is Section 3 (e)-(j). Subparagraphs (e), (f), and (j) exempt from registration duly accredited diplomatic and consular officers, certain other officials of foreign governments, and persons attached to international organizations in which the United States participates, together with members of their immediate families residing with them. Subparagraphs (g), (h), and (i) exempt staff employees of diplomatic and consular officers, foreign representatives conferring or cooperating with United States intelligence or security personnel, and members of the forces of NATO countries, and foreign civilian and military personnel invited to the United States for training purposes at the request of military department of the United States. Members of the families of persons exempt under subparagraphs (g), (h), and (i) are not exempt from registration.

As the

The Honorable
Emanuel Celler, Chairman,
Committee on the Judiciary,
House of Representatives.

As the Attorney General stated in his letter to the Speaker of the House of Representatives dated April 20, 1954, recommending the enactment of such legislation, these provisions were incorporated with the concurrence of the Departments of Defnese and State. (House Report No. 2017, 83d Cong., page 5.)

Subparagraph (i) of Section 3 of the bill contains specific reference to the agreement regarding Status of Forces of parties of the North Atlantic Treaty. Since the preparation of the bill, the Manila Pact and the mutual defense treaties with the Republic of China and Korea have recently entered into force. The United States is also a party to certain other mutual defense treaties. The Department considers that subparagraph (i) of Section 3 should be revised to omit the specific reference to the Agreement regarding Status of Forces of parties of the North Atlantic Treaty and, instead, to provide in general language for the exemption of civilian and military personnel who enter this country pursuant to arrangements made under a mutual defense treaty or agreement or who have been invited to the United States at the request of an agency of this Government. Accordingly, it is suggested that subparagraph (i) of Section 3 be changed to read:

> "Who is a civilian or one of the military personnel of a foreign armed service coming to the United States pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to the United States at the request of an agency of the United States Government."

The Department also suggests that in subsection (j) of Section 3, after the words international organization, there be inserted the words "in which the United States participates."

Such provisions are considered necessary in view of the requirements of international law and practice, and in order to avoid the possibility of offending friendly foreign governments. It may be noted that, pursuant to Section 3 of the Foreign Agents Registration Act (22 U.S.C. 613) and Section 7 of the International Organizations Immunities Act (22 U.S.C. 288d), all such persons are presently specifically exempt from registering with the Attorney General, except members of the families of diplomatic and consular officers and other officials of foreign governments not connected with international organizations. However, in practice, members of the families of such persons were not required to register with the Attorney General, as they were not ordinarily acting as an agent of a foreign principal, within the meaning of the Foreign Agents Registration Act. However, it is considered advisable that the proposed legislation

specifically

specifically exempt such persons from registration, inasmuch as H. R. 3882 applies to all persons who have knowledge of or have received instruction in espionage, etc., irrespective of whether or not they are presently acting in an agency capacity.

In conclusion, the Department of State perceives no objection, from the standpoint of our foreign relations, to the enactment of the proposed legislation, inasmuch as it contains appropriate exemptions for certain officials and employees of foreign governments and employees of international organizations admitted to this country for specific official purposes, together with certain members of their families.

In order that this letter might be submitted at this hearing, it has not been cleared with the Bureau of the Budget.

Sincerely yours,

For the Secretary of State:

Thruston B. Morton
Assistant Secretary

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DEPARTMENT OF STATE

Office of
SPECIAL ASSISTANT TO THE SECRETARY
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April 15, 1955

To: CIA - Mr. Pforzheimer

I thought you might be interested in the attached copy of a letter from the Department of State to Mr. Celler on the subject we discussed the other day.

Howard Furnas

Att:
Copy of ltr dtd 3/21/55 to
E. Celler from T. Morton
re Department's views on
HR 3882.